SINGLE BENCH (5)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5813 /2006

PETITIONER: Satyanarayan Paikra, son of Shri Sadaram Paikra, aged about 35 years, Occupation-Service, Presently posted as Assistant Veterinary Officer, Veterinary Hospital, Lakhanpur, District Sarguja, Chhattisgarh.

P.R. No. 5833/06 Presented by Shri Satyanarayan Tamradhwaj dated 18/11/06

Vs

RESPONDENTS:

1. State of Chhattisgarh Through; the Secretary, Department of Veterinary, Mantralya D.K.S. Bhawan, Raipur.
2. The Collector, Sarguja, (C.G.)
3. The District Veterinary Officer, Lakhanpur, District Sarguja (C.G.)
4. Bhuneshwar Das, Assistant Veterinary Officer, Chalgali, Pratappur, District Sarguja (C.G.).

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WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ANY OTHER SUITABLE WRIT OF LIKE NATURE

16/11/06

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 5813 of 2006

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Petitioner — Satyanarayan Paikra

Versus

Respondents — State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Sunil Tripathi, Advocate for the petitioner.
Shri Sumeet Verna, Panel lawyer for the respondents No. 1 to 3/State.

ORDER

(Passed on 27th of October, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was employed as Assistant Veterinary Officer and posted at Veterinary Hospital, Lakhanpur, District-Surguja. By order dated 7.7.2006 (Annexure P/9) the petitioner along with other eight persons were transferred from one place to other place due to administrative exigency. The petitioner was transferred from Veterinary Hospital, Lakhanpur, District Surguja to Chalgali, Pratappur, within the same district.

2. Being aggrieved, the petitioner had filed a writ petition being W.P. No. 4157/2006 in this Court. This Court, after hearing the petitioner, permitted the petitioner to make a representation to respondent No. 2/Collector, Surguja and the respondent No. 2 was directed to decide the representation within a period of 60 days from the date of receipt of the representation. This Court further

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granted stay of the effect and operation of the impugned transfer order dated 7.7.2006 till the representation of the petitioner was decided.

3. The respondent No. 2, by order dated 6.10.2006 (Annexure P/8), after having considered all the issues raised before him in the representation, came to the conclusion that there is no reason to cancel the earlier order dated 7.7.2006 (Annexure P/6). It was further observed in the said order that the petitioner committed misconduct as provided under the Chhattisgarh Civil Services (Conduct) Rules, 1965 by making representation through the Minister, which is not permissible in law.

4. The petitioner has filed present writ petition impugning the order dated 6.10.2006 (Annexure P/8) passed by the respondent No. 2 on his representation.

5. The sole contention of the petitioner is that the petitioner was earlier transferred on 31.8.2005 from Ketka to present place Lakhanpur. The petitioner further submitted that the petitioner was posted at Ketka since his appointment and thereafter for the first time he was transferred on 31.8.2005 and this is the second transfer. Since the second transfer order was passed after a period of 10 months, it amounts to frequent transfer and as such the same is mala fide exercise of power.

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6. I have heard learned counsel for the petitioner and perused the records appended to the writ petition.

7. The contention of the petitioner that the second transfer order after a period of 10 months amounts to frequent transfer is frivolous and the same deserves to be dismissed on the simple ground that frequent transfer means several transfers within a short span of time. It is not the case where frequent transfer has been made, as since the appointment of the petitioner to the post, the first transfer order was passed after a period of eight years and this is the second transfer order, which was passed due to administrative exigency along with several other persons.

8. I have not found any infirmity or irregularity in the order dated 6.10.2006 (Annexure P/8) passed by the respondent No. 2/Collector, wherein the Collector has considered all the points raised in the representation and has passed reasonable, just and proper order. Thus, there is no merit in the case.

9. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with

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the rules and regulations. The petitioner/employee cannot be permitted to remain at one place, forever, by Court orders. At this stage, it is not necessary to examine validity of the transfer.

10. As a result and for the above stated reasons, this petition is devoid of merit and is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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